

## UNITED STATES DISTRICT COURT

for the  
Eastern District of MichiganIn the Matter of the Search of )  
(Briefly describe the property to be searched )  
or identify the person by name and address) )information and records stored by DTE Energy, located at )  
One Energy Plaza, Detroit, Michigan (more fully described )  
in the affidavit and Attachment A) )Case: 2:23-mc-50123 - 1  
Case No. Assigned To : Hood, Denise Page  
Assign. Date : 2/1/2023  
IN RE: SEALED MATTER (CMC)

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See ATTACHMENT A.

located in the \_\_\_\_\_ Eastern \_\_\_\_\_ District of \_\_\_\_\_ Michigan \_\_\_\_\_, there is now concealed (*identify the person or describe the property to be seized*):

See ATTACHMENT B.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

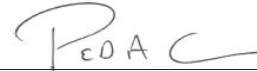
The search is related to a violation of:

18 U.S.C. § 844(i) --- *malicious destruction of property used in interstate or foreign commerce by means of fire or explosive*

The application is based on these facts:

See attached AFFIDAVIT.

- ☒ Continued on the attached sheet.  
☐ Delayed notice \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Ted A. Crews, Special Agent (ATF)

Printed name and title

Sworn to before me and signed in my presence  
and/or by reliable electronic means.

Date: February 1, 2023

City and state: Detroit, Michigan



Judge's signature

Hon. Kimberly G. Altman, U. S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN THE MATTER OF THE SEARCH  
OF INFORMATION AND RECORDS  
STORED BY DTE ENERGY,  
LOCATED AT ONE ENERGY  
PLAZA, DETROIT, MI 48226

*Filed Under Seal*

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Ted A. Crews, being first duly sworn, hereby depose and state as follows:

**EXECUTIVE SUMMARY**

1. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is investigating a commercial structure fire that occurred on November 28, 2022, at Hefty's Classic Coney, located at 26080 Grand River Ave., Redford Township, Michigan. The fire cause appeared to be incendiary, a violation of 18 U.S.C. § 844(i) (malicious destruction of property used in interstate or foreign commerce by means of fire or explosive). Following examination of the fire scene and laboratory testing of evidence collected from the scene, investigators believe person or persons purposely damaged a gas line that led to an appliance inside the business, allowing natural gas to flow freely. That flowing natural gas was then ignited by flame. Over an unknown period of time, that open burning flame ignited

nearby combustibles, and the fire ensued.

2. Accordingly, ATF seeks this search warrant to obtain records from DTE Energy for natural gas usage records that document the amount of natural gas used by Hefty's Classic Coney, 26080 Grand River Avenue in Redford Township, Michigan, during the time period of November 22, 2022 through November 28, 2022. This information will assist investigators in establishing a timeline of for the events that led to the fire and potentially aid in helping to identify the person(s) responsible.

### **INTRODUCTION AND AGENT BACKGROUND**

3. I make this affidavit in support of an application for a warrant to search information and records that are stored at premises controlled by DTE Energy, One Energy Plaza, Detroit, Michigan 48226. DTE Energy is an energy provider that includes an electric and a natural gas company that serves millions of customers in Southeast Michigan, including Hefty's Classic Coney, located at 26080 Grand River Ave., Redford Township, Michigan. The information to be searched is described in the following paragraphs and in Attachment A.

4. I am a Senior Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I began my employment as a Special Agent in July 2000. Prior to my employment with ATF, I was a criminal Investigator for the Bureau of Indian Affairs (BIA). I am currently assigned to Group III in the Detroit

Field Division and am tasked with investigating violations of federal law as they pertain to the unlawful manufacture and possession of explosives and the use of fire and/or explosives to damage or destroy property used in interstate or foreign commerce. I have conducted or participated in numerous criminal investigations involving violations of federal law including firearms offenses, illegal drug distribution, arson, the possession, manufacture and use of explosives and explosive devices, aggravated assault and homicide.

5. This affidavit is based on my personal knowledge of this investigation, including witness interviews, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all information known to law enforcement related to this investigation.

6. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that a violation of 18 U.S.C. § 844(i) (malicious destruction of property used in interstate or foreign commerce by means of fire or explosive) has been committed by an unknown person. There is also probable cause to search the information described in Attachment A for evidence of these crimes further described in Attachment B.

## **JURISDICTION**

7. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. Specifically, the Eastern District Court of Michigan is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

## **PROBABLE CAUSE**

8. On November 28, 2022, the Redford Township Fire Department (RTFD) responded to a commercial structure fire at Hefty’s Classic Coney, located at 26080 Grand River Avenue in Redford Township, Michigan. The location was a restaurant that prepared and served food to customers.

9. Upon arrival firefighters noted that the doors to the business were locked and secure. A master key was utilized to gain entry into the building. This key was located in a secure lockbox on the outside of the building. Upon making entry into the building firefighters were able to suppress the fire. After the fire was extinguished, it was boarded up and secured to prevent unauthorized access to the scene.

10. On December 1, 2022, with verbal consent from the business’ owner, ATF Special Agent/Certified Fire Investigator (SA/CFI) Mike Stassi accompanied insurance investigators into the business to conduct a fire scene examination.

During the examination investigators noted the following:

- The business was closed at the time of the fire and had functional natural gas and electric utilities.
- The cable/internet provider for the business was updating their service at the time of the fire; as a result of this update, the installed video surveillance and security system at the business were not functioning at the time of the fire.
- Prior to the fire, on or about November 27, 2022, the business suffered water damage after a water line inside the structure failed and caused water to leak into the building.
- The fire was determined to have originated in the southeast interior area of the business. Because of the number of small appliances and damage to electrical conductors, further determinations could not be made at that time. A follow-up examination was scheduled.

11. On December 5, 2022, SA/CFI Stassi and insurance investigators returned to the scene to continue their examination. Investigators excavated the fire damaged areas inside the business. Appliances were photographed and inspected. Based on the observed fire patterns and fire damage to the building and appliances, several items were collected as evidence. Among them was a section of corrugated stainless-steel tubing (CSST) that investigators documented as having suffered physical damage. The noted CSST had provided natural gas service to a steam table, which was functional prior to the fire and was utilized to heat soup and other food items.

12. Based upon a review of the observable fire damage and fire patterns, along with an examination of the adjacent electrical conductors and appliances, investigators determined that the affected CSST was located near or within the area of fire origin.



*Damaged Corrugated Stainless-Steel Tubing (CSST) from Fire Scene*



13. On December 19, 2022, an initial examination of the affected CSST was conducted by a materials engineer/metallurgical engineer (PhD/PE) at Fire and Materials Research Laboratory in Livonia, MI. Upon conducting test burns of the CSST and a visual examination, investigators were informed that the physical damage to the CSST may be the result of human action and not fire exposure.

14. As a result of the examination of the fire scene and CSST at the Fire and Materials Research Laboratory, Investigators believe that the CSST may have been purposely damaged. The damage to the CSST would have allowed natural gas to freely flow from it. The flowing natural gas was then ignited with an open flame at the point where it flowed from the CSST. It was allowed to burn freely for an unknown period of time which allowed combustibles in the area to ignite and cause the resulting fire that damaged the interior of Hefty's Classic Coney.

15. On January 26, 2023, SA Ted Crews contacted Joseph Conti, manager of Legal Investigations for DTE Energy. Mr. Conti confirmed that Hefty's Classic Coney located at 26080 Grand River Avenue in Redford Township, Michigan was a DTE Energy natural gas and electrical customer prior to and at the time of the fire on November 28, 2022.

16. The detailed natural gas meter consumption data requested from DTE Energy will provide investigators with information relative to the business's normal natural gas usage. More importantly, they will provide investigators with a



time frame of when the business gas usage became abnormal or higher than normal, which would indicate when the CSST was damaged and provide evidence of the fire cause.

17. Based on the forgoing, I request that the Court issue the proposed warrant. I further request that the Court direct DTE Energy to disclose to the government any information described in Attachment B that is within its possession, custody, or control. Because the warrant will be served on DTE Energy, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ted A. Crews", written over a horizontal line.

Ted A. Crews, Special Agent  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Sworn to before me and signed in my  
presence and/or by reliable electronic means.

A handwritten signature in dark ink, appearing to read "Kim G. Altman", written over a horizontal line.

Hon. Kimberly G. Altman  
United States Magistrate Judge

Dated: February 1, 2023

**ATTACHMENT A**  
**Property To Be Searched**

This warrant is directed to DTE Energy, headquartered at One Energy Plaza, Detroit, Michigan 48226. The warrant directs DTE Energy to search for and provide **any and all** information and records that are in their possession pertaining to Hefty's Classic Coney, located at located at 26080 Grand River Ave., Redford Township, Michigan.

**ATTACHMENT B**  
**Particular Items to Be Seized**

All records that constitute evidence of violations of 18 U.S.C. § 844(i) (malicious destruction of property used in interstate or foreign commerce by means of fire or explosive) committed on or about November 28, 2022, and/or involve Hefty's Classic Coney located at 26080 Grand River Avenue in Redford Township, Michigan, including:

1. Detailed account and billing information, and
2. Detailed natural gas meter consumption data during the time period of November 22, 2022 through November 28, 2022.

Hon. Kimberly G. Altman, U. S. Magistrate Judge  
*Printed name and title*

**Return**

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*\_\_\_\_\_  
*Printed name and title*